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| APPLICATION NO. | FI       | LING DATE  | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|-----------------|----------|------------|----------------------|-------------------------|------------------|
| 09/776,021      | (        | 02/02/2001 | Geoffrey B. Rhoads   | P0305 7386  EXAMINER    |                  |
| 23735           | 7590     | 04/10/2006 |                      |                         |                  |
| DIGIMAR         |          |            | PYZOCHA, MICHAEL J   |                         |                  |
| 9405 SW GI      |          |            |                      | ART UNIT                | PAPER NUMBER     |
|                 | <b>,</b> |            |                      | 2137                    |                  |
|                 | •        |            |                      | DATE MAILED: 04/10/2006 |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|  |   | Application No.  | Applicant(s)  |  |  |  |  |  |
|--|---|--|---|--|--|--|--|--|
|  |   | 09/776,021   | RHOADS, GEOFFREY B.   |  |  |  |  |  |
|  | Office Action Summary   | Examiner   | Art Unit  |  |  |  |  |  |
|  |   | Michael Pyzocha  | 2137  |  |  |  |  |  |
|  | The MAILING DATE of this communication appears on the cover sheet with the correspondence address<br>Period for Reply   |  |   |  |  |  |  |  |
| WHIC<br>- Exter<br>after<br>- If NO<br>- Failu<br>Any r  | ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DASSIONS of time may be available under the provisions of 37 CFR 1.15 SIX (6) MONTHS from the mailing date of this communication. Period for reply is specified above, the maximum statutory period or the to reply within the set or extended period for reply will, by statute eply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b). | ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONEI | Lely filed the mailing date of this communication. D (35 U.S.C. § 133). |  |  |  |  |  |
| Status   |   |  |   |  |  |  |  |  |
| 1)🖂  | Responsive to communication(s) filed on 20 M  | arch 2006.   |   |  |  |  |  |  |
| 2a)⊠   | This action is <b>FINAL</b> . 2b) This  | action is non-final.   |   |  |  |  |  |  |
| 3) 🔲   | Since this application is in condition for allowance except for formal matters, prosecution as to the merits is   |  |   |  |  |  |  |  |
|  | closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.   |  |   |  |  |  |  |  |
| Dispositi  | on of Claims  |  |   |  |  |  |  |  |
| 4) 🖂   | 4)⊠ Claim(s) <u>1-49</u> is/are pending in the application.   |  |   |  |  |  |  |  |
| · ·  | 4a) Of the above claim(s) is/are withdrawn from consideration.  |  |   |  |  |  |  |  |
| 5)   | 5) Claim(s) is/are allowed.   |  |   |  |  |  |  |  |
| 6)⊠  | ☑ Claim(s) <u>1-49</u> is/are rejected.   |  |   |  |  |  |  |  |
| 7)   | Claim(s) is/are objected to.  |  |   |  |  |  |  |  |
| 8)   | Claim(s) are subject to restriction and/o   | r election requirement.  |   |  |  |  |  |  |
| Applicati  | on Papers   |  |   |  |  |  |  |  |
| 9)□  | The specification is objected to by the Examine   | г.   |   |  |  |  |  |  |
| 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.   |   |  |   |  |  |  |  |  |
|  | Applicant may not request that any objection to the   | drawing(s) be held in abeyance. See  | 37 CFR 1.85(a).   |  |  |  |  |  |
|  | Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  |  |   |  |  |  |  |  |
| 11)  | The oath or declaration is objected to by the Ex  | aminer. Note the attached Office   | Action or form PTO-152.   |  |  |  |  |  |
| Priority u   | ınder 35 U.S.C. § 119   |  |   |  |  |  |  |  |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: |   |  |   |  |  |  |  |  |
| ۵٫۱  | 1. Certified copies of the priority documents have been received.   |  |   |  |  |  |  |  |
|  | 2. Certified copies of the priority documents have been received in Application No  |  |   |  |  |  |  |  |
| 3. Copies of the certified copies of the priority documents have been received in this National Stage                        |   |  |   |  |  |  |  |  |
| application from the International Bureau (PCT Rule 17.2(a)).  |   |  |   |  |  |  |  |  |
| * See the attached detailed Office action for a list of the certified copies not received.                                   |   |  |   |  |  |  |  |  |
|  |   |  |   |  |  |  |  |  |
| Attachmen  |   | _  |   |  |  |  |  |  |
|  | e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948)   | 4) Interview Summary Paper No(s)/Mail Da   |   |  |  |  |  |  |
| 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTC                |   |  |   |  |  |  |  |  |
| Paper No(s)/Mail Date 6)  Other:   |   |  |   |  |  |  |  |  |

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#### DETAILED ACTION

1. Claims 1-49 are pending.

2. Amendment filed 03/20/2006 has been received and considered.

#### **Priority**

3. Examiner thanks Applicant for providing the information with regards to the priority in this case. After reviewing this priority information the Applications before 08/438,159 do not provide support for claims 45-48 which disclose the lossy compression/decompression. Therefore claims 45-48 will only receive a priority date of 05/08/1995. Applicant stated the material disclosed in Application ten, which was not in application eleven, since application ten has an earlier filing date this information is irrelevant. For the record this material is the emulsion material claimed in claims 27, 30-44 and 48. Currently all rejections are based on references filed or published before the earliest claimed priority.

#### Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 5. Claims 12-17, 31-38, 41-44 are rejected under 35
  U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 6. Claims 12-17, 31-38, 41-44 recite the limitation "The invention" in line 1. There is insufficient antecedent basis for this limitation in the claim.

#### Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-17, 29-38, 40-45, and 47-48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The above claims related to nonfunctional descriptive material and are therefore non-statutory. See MPEP 2106(IV)(B)(1).

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## Claim Rejections - 35 USC § 103

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 9. Claims 1-6, 9-16, 29-33, 35-36, 45, 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noboru (JP 05236424) further in view of Barton and further in view of NEKO (webpage poster).

As per claim 1, Noboru discloses encoding an image with a steganographic message capable of being printed (see paragraphs 6 and 14).

Noboru fails to disclose the steganographic message associates information with each image the creation of a photo collage with plural photographic images printed on a common page.

However, Barton teaches the steganographic message associates information with each image (see column 6 lines 51-60 where the meta-data is associated with each image) and NEKO

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discloses a photographic collage with multiple images (see NEKO page 1).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the steganographic message of Barton and Noboru with the creation of NEKO's photo collage.

Motivation to do so would have been to prevent the unauthorized use and distribution of a document (see Barton column 1 lines 45-51) and to create a poster (see NECKO page 1).

As per claim 2, the modified Noboru, Barton, and NEKO method discloses the information identifies the person associated with the corresponding image (see Barton column 6 lines 51-60).

As per claim 3, the modified Noboru, Barton, and NEKO method discloses the person being the photographer (see Barton column 6 lines 51-60 where "the creator of the block" would be the photographer; the creator of the image).

As per claim 4, the modified Noboru, Barton, and NEKO method discloses the information associated with each image being stored as a record in a database (see Barton column 2 lines 64-67 where the meta-data is as described in column 6 lines 51-60).

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As per claim 5, the modified Noboru, Barton, and NEKO method discloses the steganographic message conveying plural digital bits (see Barton column 6 lines 51-60).

As per claim 6, the modified Noboru, Barton, and NEKO method discloses the message being dispersed across the corresponding image (see Barton column 7 lines 31-33).

As per claim 9, the modified Noboru, Barton, and NEKO method discloses a computer storage medium having computer instructions for performing the method (see Barton column 9 lines 48-55).

As per claim 10, the modified Noboru, Barton, and NEKO method discloses a photo collage being produced (see NEKO page 1).

As per claim 11, the modified Noboru, Barton, and NEKO method discloses a storage medium having a photo collage stored on it with plural photographic images (see NEKO page 1), each embedded with a steganographic message and the messages associate information corresponding to each image (see Barton column 6 lines 51-60) wherein the message can be correctly decoded despite alterations (see Seth-Smith et al column 14 lines 60-68).

As per claim 12, the modified Noboru, Barton, and NEKO method discloses the information identifies the person

associated with the corresponding image (see Barton column 6 lines 51-60).

As per claim 13, the modified Noboru, Barton, and NEKO method discloses the person being the photographer (see Barton column 6 lines 51-60 where "the creator of the block" would be the photographer; the creator of the image).

As per claim 14, the modified Noboru, Barton, and NEKO method discloses the information associated with each image being stored as a record in a database (see Barton column 2 lines 64-67 where the meta-data is as described in column 6 lines 51-60).

As per claim 15, the modified Noboru, Barton, and NEKO method discloses the steganographic message conveying plural digital bits (see Barton column 6 lines 51-60).

As per claim 16, the modified Noboru, Barton, and NEKO method discloses the message being dispersed across the corresponding image (see Barton column 7 lines 31-33).

As per claim 29, the modified Noboru, Barton, and NEKO method discloses a photo collage being produced (see NEKO page 1).

As per claim 30, the modified Noboru, Barton, and NEKO method discloses a storage medium with a photograph represented on it (see Barton column 1 lines 15-32 and NEKO page 1),

encoding a photograph with a steganographic message, (see Barton column 6 lines 51-60), the message identifies a corresponding message in a database (see Barton column 2 lines 64-67), and the database record detailing information relating to the photograph (see Barton column 6 lines 51-60) wherein the message can be correctly decoded despite alterations (see Seth-Smith et al column 14 lines 60-68).

As per claim 31, the modified Noboru, Barton, and NEKO method discloses the message comprising an index number (see Barton column 6 lines 51-60).

As per claim 32, the modified Noboru, Barton, and NEKO method discloses the information identifies the person associated with the corresponding image (see Barton column 6 lines 51-60).

As per claim 33, the modified Noboru, Barton, and NEKO method discloses the person being the photographer (see Barton column 6 lines 51-60 where "the creator of the block" would be the photographer; the creator of the image).

As per claim 35, the modified Noboru, Barton, and NEKO method discloses the steganographic message conveying plural digital bits (see Barton column 6 lines 51-60).

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As per claim 36, the modified Noboru, Barton, and NEKO method discloses the message being dispersed across the corresponding image (see Barton column 7 lines 31-33).

As per claims 45 and 47, the modified Noboru, Barton, and NEKO system discloses alteration by lossy compression/decompression of data (see Barton column 4 line 44 through column 5 line 9).

10. Claims 11-12, 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain (US 5284364) further in view of NECKO and further in view of Noboru.

As per claim 11, the modified Jain and NECKO system discloses a photo collage where each image is encoded with a steganographic message (see column 4 lines 24-31) and the steganographic message associates information with each image (see column 5 lines 56-61).

The modified Jain and NECKO system fails to disclose the message being decodable despite alterations.

However Noboru teaches such a message (see paragraphs 6 and 14).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include an error-correction code with the message of Jain.

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Motivation to do so would have been to be able to decode the data despite degradation from copying (see paragraph 16).

As per claim 12, the modified Jain, NEKO, and Noboru method discloses the information identifies the person associated with the corresponding image (see Jain column 5 lines 56-61).

As per claim 16, the modified Jain, NEKO, and Noboru method discloses the message being dispersed across the corresponding image (see Jain column 4 lines 24-31).

11. Claims 13-14 rejected under 35 U.S.C. 103(a) as being unpatentable over the modified the modified Jain, NEKO, and Noboru system as applied to claims 1-2 above, and further in view of Barton.

As per claim 13, the modified the modified Jain, NEKO, and Noboru system fails to disclose the person is a photographer of the photographic image.

However, Barton teaches such information (see column 2 lines 56-67).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include Barton's information in the message of Jain.

Motivation to do so would have been to include information about the data being distributed.

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As per claim 14, the modified Jain, NEKO, Noboru and Barton system discloses the message identifies a corresponding message in a database and the database record detailing information relating to the photograph (see Barton column 2 lines 64-67).

12. Claims 18-21, 23-24, 28, 46 are rejected under 35

U.S.C. 103(a) as being unpatentable over Noboru et al and further in view of Barton (U.S. 5,646,997).

As per claim 18, Noboru teaches encoding an image with a steganographic message that can be correctly decoded despite alterations (see paragraphs 6 and 14).

Noboru fails to disclose the image is a photograph and the message corresponds to a message in a database.

However Barton teaches a photograph with a steganographic message, (see column 6 lines 51-60); the message identifies a corresponding message in a database (see column 2 lines 64-67), and the database record detailing information relating to the photograph (see column 6 lines 51-60).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include Barton's information in the message of Noboru.

Motivation to do so would have been to use an out-of-band system because the data in each file would be different.

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As per claim 19, the modified Noboru and Barton system discloses the message comprising an index number (see Barton column 6 lines 51-60).

As per claim 20, the modified Noboru and Barton system discloses the information identifies the person associated with the corresponding image (see Barton column 6 lines 51-60).

As per claim 21, the modified Noboru and Barton system discloses the person being the photographer (see Barton column 6 lines 51-60 where "the creator of the block" would be the photographer; the creator of the image).

As per claim 23, the modified Noboru and Barton system discloses the steganographic message conveying plural digital bits (see Barton column 6 lines 51-60).

As per claim 24, the modified Noboru and Barton system discloses the message being dispersed across the corresponding image (see Barton column 7 lines 31-33).

As per claim 28, the modified Noboru and Barton system discloses a computer storage medium having computer instructions for performing the method (see Barton column 9 lines 48-55).

As per claim 46, the modified Noboru and Barton system discloses alteration by lossy compression/decompression of data (see Barton column 4 line 44 through column 5 line 9).

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13. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Noboru and Barton system as applied to claim 18 above, and further in view of Tetrick et al (U.S. 4,675,746).

As per claim 22, the modified Noboru and Barton system fails to disclose the information relating to the photograph including contact information.

However Tetrick et al discloses the information relating to the photograph including contact information (see column 5 lines 4-22 where the alphanumeric data is as described in column 2 lines 64-66).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the contact information of Tetrick et al with the method for encoding a message of the modified Noboru and Barton system.

Motivation to do so would have been to allow for confirming the authenticity of the image (see Tetrick et al column 5 lines 14-17).

14. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Noboru and Barton system as applied to claim 18 above, and further in view of Braudaway et al (U.S. 5,530,759).

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As per claim 25, the modified Noboru and Barton method fails to disclose the use of pseudo-random noise when encoding.

However Braudaway et al discloses the use of pseudo-random noise when encoding (see column 5 lines 41-60).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the pseudo-random noise of Braudaway et al when encoding the message of the modified Noboru and Barton system.

Motivation to do so would be to adjust the difficulty of removing the message (see column 5 lines 48-56).

As per claims 26, the modified Noboru, Barton and Braudaway et al method discloses the encoding changes the luminance of a majority of the pixels in each photographic image (see Braudaway et al column 2 lines 6-14 and column 5 lines 6-15).

15. Claims 27 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain further in view of Barton and further in view of Bianco (U.S. 4,359,633).

As per claims 27 and 39, Jain discloses encoding a photograph with a steganographic message (see column 4 lines 24-31).

Jain fails to disclose the message identifies a corresponding message in a database and the database record detailing information relating to the photograph

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However Barton teaches such a message (see Barton column 2 lines 64-67).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for Jain's message to correspond to a message in a database.

Motivation to do so would have been to use an out-of-band system because the data in each file would be different.

The modified Jain and Barton system fails to disclose the steganographic message is a code pre-exposed on emulsion media, onto which a photograph is later exposed.

However Bianco discloses a code pre-exposed on emulsion media, onto which a photograph is later exposed (see column 4 line 65 through column 5 line 12).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the method of adding a code to an emulsion media with Jain and Barton's method.

Motivation to do so would have been to enhance the reproductively of the code (see Bianco column 5 lines 7-12).

16. Claims 7-8, 17, 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Noboru, Barton, and NEKO method as applied to claims 1, 11, 30 above, and further in view of Braudaway et al (U.S. 5,530,759).

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As per claims 7, 17, and 37 the modified Noboru, Barton, and NEKO method fails to disclose the use of pseudo-random noise when encoding.

However Braudaway et al discloses the use of pseudo-random noise when encoding (see column 5 lines 41-60).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the pseudo-random noise of Braudaway et al when encoding the message of the modified Noboru, Barton, and NEKO method.

Motivation to do so would be to adjust the difficulty of removing the message (see column 5 lines 48-56).

As per claims 8 and 38, the modified Noboru, Barton, NEKO, and Braudaway et al method discloses the encoding changes the luminance of a majority of the pixels in each photographic image (see Braudaway et al column 2 lines 6-14 and column 5 lines 6-15).

17. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over t the modified Noboru, Barton, and NEKO method as applied to claim 30 above, and further in view of Tetrick et al (U.S. 4,675,746).

As per claim 34, the modified Noboru, Barton, and NEKO method fails to disclose the information relating to the photograph including contact information.

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However Tetrick et al discloses the information relating to the photograph including contact information (see column 5 lines 4-22 where the alphanumeric data is as described in column 2 lines 64-66).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the contact information of Tetrick et al with the method for encoding a message of Barton, Seth-Smith et al and NEKO.

Motivation to do so would have been to allow for confirming the authenticity of the image (see Tetrick et al column 5 lines 14-17).

18. Claims 40-42, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Noboru and Barton system further in view of Conner et al (U.S. 5,579,393).

As per claim 40, the modified Noboru and Barton system discloses storing an image (see Barton column 1 lines 15-32), encoding a photograph with a steganographic message, (Noboru paragraphs 6 and 14), and the message aids in the authentication of the image (see Barton column 5 lines 58-67).

The modified Noboru and Barton system fails to disclose the images specifically being medical images.

However, Conner et al discloses the use of medical images (see column 2 lines 19-39).

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At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the method of authentication from Barton with the medical files of Conner et al.

Motivation to do so would have been to reduce the chances of fraudulent medical documents being transferred (see Conner et al column 1 lines 53-65).

As per claim 41, the modified Noboru, Barton, and Conner et al system discloses the message aiding in protecting the image from tampering (see Barton column 5 lines 32-41).

As per claim 42, the modified Noboru, Barton, and Conner et al system discloses the message being dispersed across the corresponding image (see Barton column 7 lines 31-33).

As per claim 48, the modified Noboru, Barton, and Conner et al system discloses alteration by lossy compression/decompression of data (see Barton column 4 line 44 through column 5 line 9).

19. Claims 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Noboru, Barton, and Conner et al system as applied to claim 40 above, and further in view of Braudaway et al.

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As per claim 43, the modified Noboru, Barton, and Conner et al system fails to disclose the use of pseudo-random noise when encoding.

However Braudaway et al discloses the use of pseudo-random noise when encoding (see column 5 lines 41-60).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the pseudo-random noise of Braudaway et al when encoding the message of the modified Noboru, Barton, and Conner et al system.

Motivation to do so would be to adjust the difficulty of removing the message (see column 5 lines 48-56).

As per claim 44, the modified Noboru, Barton, Conner et al and Braudaway et al system discloses the encoding changes the luminance of a majority of the pixels in each photographic image (see Braudaway et al column 2 lines 6-14 and column 5 lines 6-15).

20. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Noboru and Barton system as applied to claim 18 above, and further in view of Mizuno (EP 0296608).

As per claim 49, the modified Noboru and Barton system fails to disclose varying the energy of encoding based on attributes of the photograph.

However, Mizuno teaches such a limitation (see page 6 lines 28-40).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to vary the energy of the modified Noboru and Barton encoding system according to Mizuno.

Motivation to do so would have been to reduce the amount of information needed (see page 6 lines 28-40).

## Response to Arguments

- 21. Applicant's arguments, see page 5, filed 03/20/2006, with respect to the rejection of claims 1-2, 6 and 9-10 over Jain in view of NEKO have been fully considered and are persuasive. The rejection, over Jain in view of NEKO, of claims 1-4, 6 and 9-10 has been withdrawn.
- 22. Applicant's arguments filed 03/20/2006 have been fully considered but they are not persuasive. Applicant argues: the rejection under the second paragraph of 112 was improper; Noburo does not teach "capable of being printed"; and that the board would not affirm using four or more references.

With respect to Applicant's argument that the rejection under the second paragraph of 112 was improper, independent claim 11, used as an example, recites "A storage medium". While dependent claim 12 recites, "The invention of claim 11" in this

situation there is no "invention" in claim 11 because claim 11 is a storage medium. Therefore there is no antecedent basis for "The invention" and the rejection under section 112 is proper.

With respect to Applicant's argument that Noburo does not teach "capable of being printed" with the reasoning that printing involves converting from digital to analog, which Applicant claims Noburo fails to teach. However, in paragraph [0003] Noburo specifically teaches that the invention is able handle a conversion from digital to analog.

With respect to Applicant's argument that the board would not affirm using four or more references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991), where the Court affirmed a rejection of a detailed claim based on thirteen prior art references.

23. It is also noted that Applicant's stated that the claims based on 101 rejections would either be canceled (upon allowed claims) or appealed.

### Conclusion

24. **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MJP

EMMANUEL L. MOISE SUPERVISORY PATENT EXAMINER